

informal brief filed by an appellee must contain a statement of the case but otherwise follow the format prescribed for the pro se party.

- (j) **Briefs in a Transferred Case.** When an appeal is transferred to this court by another court of appeals after briefs have been filed, the parties may stipulate to proceed on those briefs instead of filing briefs prescribed by these rules. The stipulation must be filed within 14 days of docketing, and the number of copies of briefs required by Federal Circuit Rule 31(b) must accompany the stipulation. The court may order supplemental briefs.

Practice Notes

Informal Brief. The informal brief procedure is explained in the Guide for Pro Se Petitioners and Appellants.

Describing the General Nature of Confidential Material Deleted from the Nonconfidential Brief. The following example is acceptable:

CONFIDENTIAL MATERIAL OMITTED

The material omitted on page 42 describes the circumstances of an alleged lost sale; the material omitted in the first line of page 43 indicates the dollar amount of an alleged revenue loss; the material omitted on page 44 indicates the quantity of the party's inventory and its market share; the material omitted in the text on page 45 describes the distributor's experiences concerning the inventories and order lead times; and the material omitted in the footnote on page 45 describes non-price factors affecting customers' preferences between competing methods.

Rule 29. Brief of an Amicus Curiae

- (a) **When Permitted.** The United States or its officer or agency, or a State, Territory, Commonwealth, or the District of Columbia may file an amicus-curiae brief without the consent of the parties or leave of court. Any other amicus curiae may file a brief only by leave of court or if the brief states that all parties have consented to its filing.
- (b) **Motion for Leave to File.** The motion must be accompanied by the proposed brief and state:
- (1) the movant's interest; and
 - (2) the reason why an amicus brief is desirable and why the matters asserted are relevant to the disposition of the case.
- (c) **Contents and Form.** An amicus brief must comply with Rule 32. In addition to the requirements of Rule 32, the cover must identify the party or parties supported and indicate whether the brief supports affirmance or reversal. If an amicus curiae is a corporation, the brief must include a disclosure statement like that

Rule 29. Brief of an Amicus Curiae

- (a) **Content; Form.** In addition to the contents required by of Federal Rule of Appellate Procedure 29, the brief of an amicus curiae must include a certificate of interest (see Federal Circuit Rule 47.4) in front of the table of contents.
- (b) **List of Amicus Curiae.** The clerk will maintain a list of bar associations and other organizations to be invited to file amicus curiae briefs when the court directs. Bar associations and other organizations will be placed on the list if they request. The request must be renewed annually not later than October 1.

FEDERAL RULES OF APPELLATE PROCEDURE

FEDERAL CIRCUIT RULE

required of parties by Rule 26.1. An amicus brief need not comply with Rule 28, but must include the following:

- (1) a table of contents, with page references;
 - (2) a table of authorities — cases (alphabetically arranged), statutes and other authorities — with references to the pages of the brief where they are cited;
 - (3) a concise statement of the identity of the amicus curiae, its interest in the case, and the source of its authority to file;
 - (4) an argument, which may be preceded by a summary and which need not include a statement of the applicable standard of review; and
 - (5) a certificate of compliance, if required by Rule 32(a)(7).
- (d) **Length.** Except by the court's permission, an amicus brief may be no more than one-half the maximum length authorized by these rules for a party's principal brief. If the court grants a party permission to file a longer brief, that extension does not affect the length of an amicus brief.
- (e) **Time for Filing.** An amicus curiae must file its brief, accompanied by a motion for filing when necessary, no later than 7 days after the principal brief of the party being supported is filed. An amicus curiae that does not support either party must file its brief no later than 7 days after the appellant's or petitioner's principal brief is filed. A court may grant leave for later filing, specifying the time within which an opposing party may answer.
- (f) **Reply Brief.** Except by the court's permission, an amicus curiae may not file a reply brief.
- (g) **Oral Argument.** An amicus curiae may participate in oral argument only with the court's permission.

Practice Note

An amicus curiae must file an entry of appearance. See Federal Circuit Rule 47.3, and Appendix of Federal Circuit Forms, Form 5.

Rule 30. Appendix to the Briefs

(a) Appellant's Responsibility.

- (1) **Contents of the Appendix.** The appellant must prepare and file an appendix to the briefs containing:
 - (A) the relevant docket entries in the proceeding below;

Rule 30. Appendix to the Briefs

(a) Purpose; Content of Appendix; Time for Filing; Number of Copies; Cover; Service.

- (1) **Purpose.** The purpose of this rule is to limit the size of the appendix of documentary materials that is printed and filed with the court. The rule also authorizes a supplementary video recording media appendix under some circumstances.